

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN**

YAACOV APELBAUM, a New York resident,
and XRVISION, LTD., a New York corporation,

Plaintiffs,

Case No. 2:23-cv-11718

v.

Hon. Stephen J. Murphy, III
Hon. Anthony P. Patti

STEFANIE LAMBERT, a Michigan resident, and
THE LAW OFFICE OF STEFANIE L. LAMBERT,
PLLC, a Michigan professional limited liability company
and BILL BACHENBERG, a Pennsylvania resident,

Defendants.

BURNS LAW FIRM
John C. Burns
Attorneys for Plaintiffs
PO Box 191250
St. Louis, Missouri 63119
P: (314) 329-5040
F: (314) 282-8136
john@burns-law-firm.com

STUART LAW, PLC
Todd A. Stuart
Attorneys for Plaintiffs
429 Turner Ave. NW
Grand Rapids, MI 49504
Office: 616-284-1658
tstuart@stuartlawplc.com

**PLAINTIFFS' NOTICE OF COMPLIANCE AND ATTEMPTED COMPLIANCE
WITH THE COURT'S ORDER OF DECEMBER 12, 2023, AND REQUEST FOR RELIEF**

On December 12, 2023, the Court entered an Order (Dkt. #10) granting Plaintiffs' Motion for Alternate Service and directing Plaintiffs to serve Defendants Stefanie Lambert and The Law Office of Stefanie Lambert, PLLC (collectively, the "Lambert Defendants") by serving¹ an adult residing at each of the four residences identified by Plaintiffs, and by mailing the service materials² to each of the residences along with the office of attorney Michael J. Smith. *Id.* The Court granted

¹ In its Order, the Court directed Plaintiffs to serve copies of the Complaint, summonses, and the Court's Order granting alternative service.

² *See id.*

Plaintiffs' Motion for Alternate Service in part because Plaintiffs had made nineteen (19) attempts to personally serve the Lambert Defendants at the four residence locations. *Id.*

Plaintiffs successfully served an adult at one residence but were unsuccessful at serving an adult at the remaining three residences, despite six (6) separate service attempts at each residence. Plaintiffs also successfully mailed the service materials to all five (5) addresses. Additionally, Plaintiffs emailed a copy of the service materials to the email addresses of attorney Smith and other attorneys in his office, all as more fully described below.

To date, Plaintiffs have either complied or made good faith efforts to comply with the Court's Order as follows:

1. Plaintiffs served an adult at the 19245 23 Mile Rd., Macomb, MI 48042 location. See **Exhibit 1**, attached.
2. Plaintiffs attempted service at the 6386 Thorncrest Dr., Bloomfield Hills, MI 48301 location on six (6) separate occasions, but on each occasion, either no adult was home, or no adult would answer the door. See **Exhibit 1**, attached.
3. Plaintiffs attempted service at the 1162 Horseshoe Dr. South Lyon, MI 48178 location on six (6) separate occasions, but on each occasion, either no adult was home, or no adult would answer the door. See **Exhibit 1**, attached.
4. Plaintiffs attempted service at the 1057 Country Club Dr. #61, Saint Clair Shores, MI 48082 location on six (6) separate occasions, but on each occasion, either no adult was home, or no adult would answer the door. See **Exhibit 1**, attached.
5. Plaintiffs mailed copies via Federal Express delivery of all the service materials to each of the four (4) residences as directed, and proof of delivery is filed herewith as seen in **Exhibit 2**.

6. Plaintiffs mailed a copy via Federal Express delivery of all the service materials to Attorney Michael J. Smith as directed, and proof of delivery is filed herewith as seen in **Exhibit 2**.
7. Plaintiffs also emailed a copy of the service materials to Attorney Michael J. Smith. See **Exhibit 3**, attached.

Currently, Plaintiffs have attempted personal service on the Lambert Defendants at seven locations and for a total of thirty-nine (39) attempts, and Plaintiffs have submitted proof that the service materials were delivered by Federal Express to all of the addresses required by the Court. Beyond this, Plaintiffs also submitted proof they provided Attorney Michael Smith with copies of the service materials at the electronic mail address which the Court uses to communicate with Attorney Smith.

Because copies of the service materials were received by federal express delivery at each address required by the Court, and because household service was perfected at one of the four residence locations, Plaintiffs ask the Court for relief – to wit: Plaintiffs ask that the Court accept their extensive and good faith efforts as sufficient service and deem said efforts to be sufficient compliance with the Court’s Order of December 12, 2023.

Dated: January 5, 2024

Respectfully submitted,
BURNS LAW FIRM

/s/ John C. Burns
John C. Burns
P.O. Box 191250
St. Louis, Missouri 63119
P: (314) 329-5040
F: (314) 282-8136
john@burns-law-firm.com

STUART LAW, PLC
Todd A. Stuart
429 Turner Ave. NW
Grand Rapids, MI 49504

Office: 616-284-1658
tstuart@stuartlawplc.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that on January 5, 2024, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which will send notification to all counsel of record.

/s/ John C. Burns